



QUICK FACTS

LGBTQ Rights

June 2019

AAUW supports the civil rights of all individuals and opposes all forms of discrimination, including discrimination based on gender identity and sexual orientation.

For far too long, the civil rights protections guaranteed to millions of Americans have been denied to those who identify as LGBTQ (lesbian, gay, bisexual, transgender and queer or questioning). AAUW's Public Policy Priorities affirm our commitment to "vigorous protection of and full access to civil and constitutional rights," and to "freedom in definition of family and guarantee of civil rights in all family structures."¹

No one should be denied the full range of civil rights and civil liberties due to their sexual orientation or gender identity. Such rights and liberties include freedom from discrimination in the workplace, the guarantee of spousal/partner benefits — including the ability to care for dependent children — and the ability to serve one's country in uniform, among others. Unless and until LGBTQ people are able to enjoy the same rights and freedoms as their heterosexual counterparts, America's promise of equal justice under law will remain unfulfilled.

Major Strides for Equity

Americans are widely supportive of broad nondiscrimination protections for LGBTQ people.² There have also been major legislative victories, including the 2001 vote to overturn the "Don't Ask, Don't Tell" policy that prohibited lesbian and gay members of the military from serving openly. And the landmark 2015 U.S. Supreme Court ruling in *Obergefell v. Hodges*, which made clear that LGBTQ people cannot be denied the right to marry, marked a significant legal win for equality. The U.S. Equal Employment Opportunity Commission (EEOC) has also interpreted Title VII of the Civil Rights Act of 1964 to include workplace protections for LGBTQ employees.³ Yet even with this progress, there is still much to be done to ensure that LGBTQ people are afforded equal treatment and equal rights in all areas of daily life.

LGBTQ Workers' Economic Security

While the EEOC currently argues that LGBTQ

workers are protected from workplace discrimination under Title VII,⁴ federal court rulings and state and local laws are inconsistent, and workplace protections for LGBTQ workers are not sufficiently uniform and robust. There are approximately 8.1 million LGBTQ workers ages 16 and older in the U.S. An estimated 4.1 million of them live in the 29 states without statutes prohibiting sexual orientation and gender identity discrimination in employment.⁵

Lesbian, gay, and bisexual men and women are significantly more likely than their heterosexual peers to report employment discrimination, such as being fired from or denied a job, being denied a promotion, or receiving a negative evaluation.⁶ Discrimination, including discrimination based on cultural norms and gender stereotypes, persists, leaving many LGBTQ workers without recourse if they face pay discrimination⁷ or other forms of workplace discrimination. Transgender people also frequently experience workplace discrimination because of their gender identity, which harms their economic security.⁸

LGBTQ Students' Education

Nearly 2.1 million students ages 15 and older, and countless more under the age of 15, live in states without statutory protections against sexual orientation and gender identity discrimination at school.⁹ For them, accessing education often includes experiencing bullying and harassment on a regular basis. Around seven in ten LGBTQ students experienced verbal harassment at school based on sexual orientation, and more than half experienced harassment based on gender expression or gender.¹⁰ In addition, AAUW research has found that students in grades 7–12 are often targeted for failing to follow norms that are typical for their gender.¹¹ This bullying and harassment impacts the ability of all students to access education. But with a patchwork of federal court rulings and state and local laws,

students are often left without a solution when they are bullied or harassed at school based on their sexual orientation or gender identity.

LGBTQ Discrimination in Public Accommodations

As with economic security and education, LGBTQ people face discrimination in many aspects of daily life, and current state laws provide only a patchwork of protections. For example, only 20 states provide explicit protections prohibiting discrimination based on sexual orientation and gender identity in public accommodations.¹² An estimated 6.9 million LGBT people, ages 13 and older, live in states without statutes prohibiting sexual orientation and gender identity discrimination in public accommodations.¹³

A Federal Fix for the Patchwork of Protections: The Equality Act

Inconsistent protections across states leave LGBTQ people vulnerable to discrimination in areas including employment, housing, credit and federally funded programs such as education. A uniform federal solution is needed.

The AAUW-supported Equality Act is a critically needed solution to close these gaps in existing nondiscrimination law. This bill would make clear that discrimination on the basis of gender identity or sexual orientation is a form of sex discrimination and is unlawful. Specifically, the Equality Act provides clear protections for LGBTQ people across a number of areas,

including employment, housing, credit, education, public spaces and services, federally-funded programs and jury service.

Currently, federal law does not prohibit sex discrimination in public spaces or in all federally funded programs. In addition to ensuring LGBTQ people are clearly included in our civil rights laws, the Equality Act would close those loopholes to provide important new protections against sex discrimination overall. Finally, the Equality Act would update the spaces considered public accommodations, thus extending current civil rights protections against discrimination based on race, religion and national origin (in addition to sex) to more places important in our everyday lives.

Despite significant progress, discrimination based on sexual orientation and gender identity remains a persistent problem. AAUW continues to advocate for strong federal, state and local protections for LGBTQ Americans.

Additional Resources

Experiences of Discrimination among Lesbian, Gay and Bisexual People in the US

<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Discrimination-Work.pdf>

State Maps of LGBTQ Laws & Policies
Human Rights Campaign

<https://www.hrc.org/state-maps>

*You provide the voice; we'll provide the megaphone. Sign up to take action for women and girls today:
bit.ly/AAUWActionNetwork.*

¹ AAUW, *Public Policy Priorities 2017-2019*, June 2017, www.aauw.org/resource/principles-and-priorities.

² See, e.g., Daniel Greenberg et al., "Fifty Years After Stonewall: Widespread Support for LGBT Issues – Findings from American Values Atlas 2018" (Public Religion Research Institute, March 2019), <https://www.prrri.org/research/fifty-years-after-stonewall-widespread-support-for-lgbt-issues-findings-from-american-values-atlas-2018/>.

³ U.S. Equal Employment Opportunity Commission, "What You Should Know About EEOC and the Enforcement Protections for LGBT Workers," 2018, www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm.

⁴ *Id.*

⁵ The Williams Institute, "LGBT People in the United States Not Protected by State Nondiscrimination Statutes" (UCLA School of Law, March 2019), williamsinstitute.law.ucla.edu/wp-content/uploads/Equality-Act-March-2019.pdf; Human Rights Campaign, *State Maps of Laws and Policies, Public Accommodation*, June 2018, www.hrc.org/state-maps/public-accommodations.

⁶ The Williams Institute, "Experiences of Discrimination among Lesbian, Gay and Bisexual People in the US" (UCLA School of Law, April 2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Discrimination-Work.pdf>.

⁷ Trenton D. Mize, "Sexual Orientation in the Labor Market," *American Sociological Review*, November 2016, 1132–1160.

⁸ U.S. Equal Employment Opportunity Commission, "What You Should Know About EEOC and the Enforcement Protections for LGBT Workers," Center for American Progress and Movement Advancement Project, "Paying an Unfair Price: The Financial Penalty for Being Transgender in America," February 2015, www.lgbtmap.org/file/paying-an-unfair-price-transgender.pdf.

⁹ The Williams Institute, "LGBT People in the United States Not Protected by State Nondiscrimination Statutes."

¹⁰ GLSEN, "National School Climate Survey Released," October 2018, www.glsen.org/article/glsen-releases-new-nationalschool-climate-survey-report.

¹¹ Catherine Hill and Holly Kearn, "Crossing the Line: Sexual Harassment at School" (American Association of University Women, 2011), www.aauw.org/research/crossing-the-line/.

¹² Human Rights Campaign, *State Maps of Laws and Policies, Public Accommodation*.

¹³ The Williams Institute, "LGBT People in the United States Not Protected by State Nondiscrimination Statutes."